

FILED

Clerk

District Court

NOV 28 2018

UNITED STATES DISTRICT COURT

for the

District of the Northern Mariana Islands

for the Northern Mariana Islands
By _____
(Deputy Clerk)In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)MOBILE PERSONAL DEVICES WITH TELEPHONE NUMBERS:
670-287-3376; 670-783-4426; 670-285-0363; and 670-783-7342

Case No.

MC 18-00021

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See ATTACHMENT A, which is incorporated fully herein.

located in the _____ District of the Northern Mariana Islands, there is now concealed (identify the person or describe the property to be seized):

See ATTACHMENT B, which is incorporated fully herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

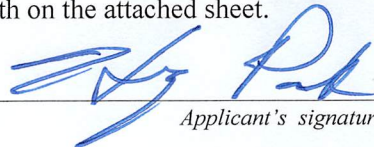
Code Section
 18 U.S.C. § 1343
 18 U.S.C. § 666(a)(1)(A)

Offense Description
 Wire Fraud
 Theft from Program Receiving Federal Funds

The application is based on these facts:

See attached Affidavit in Support of an Application for a Search Warrant, which is incorporated fully herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

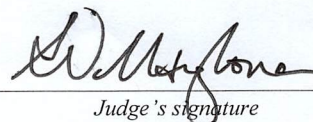
Haejun Park, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/28/2018

City and state: Saipan, CNMI



Judge's signature

Ramona V. Manglona, Chief Judge

Printed name and title

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE NORTHERN MARIANA ISLANDS**

3 IN THE MATTER OF THE SEARCH OF:

4 CASE NO. **MC 18-00021**

5 MOBILE PERSONAL DEVICES WITH
6 TELEPHONE NUMBERS: 670-287-3376;
7 670-783-4426; 670-285-0363; and 670-
8 783-7342

9 **AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

10 I, Haejun Park, being a Special Agent with the Federal Bureau of Investigation (FBI) and
11 acting in my official capacity, do hereby state as follows:

12 **INTRODUCTION**

13 1. I have been employed with the FBI for twenty-eight (28) years and sixteen (16) years as a
14 special agent. I am currently assigned to investigate federal criminal matters in and around the
15 Commonwealth of the Northern Mariana Islands (CNMI). During my years as a special agent, I
16 have investigated numerous offenses to include public corruption and fraud related crimes. I
17 presently lead the FBI's investigation into the recent official government travel to Guam by
18 CNMI Rota Mayor Efraim Atalig (Mayor ATALIG).

19 2. This affidavit is intended to show merely that there is sufficient probable cause for the
20 requested warrant and does not set forth all of my knowledge about this matter.

21 3. Based on my training and experience and the facts as set forth in this affidavit, there is
22 probable cause to believe that violations of 18 U.S.C. § 1343, Wire Fraud, and 18 U.S.C. §
23 666(a)(1)(A), Theft from a Program Receiving Federal Funds, have been committed by Mayor
24 ATALIG, and others working at or on behalf of the Rota local government. There is also probable

1 cause to search the information described in Attachment A for evidence of this crime further
2 described in Attachment B.

3 **ELEMENTS OF THE OFFENSE**

4 4. The elements of the offense of Wire Fraud, in violation of 18 U.S.C. § 1343, are:

- 5 a. A person knowingly participated in, devised, intended to devise a scheme or plan to
6 defraud, or a scheme or plan for obtaining money or property by means of false or
7 fraudulent pretenses, representations, promises, or omitted facts;
8 b. The statements made or facts omitted as part of the scheme were material; that is, they
9 had a natural tendency to influence, or were capable or influencing, a person to part
10 with money or property;
11 c. The person acted with the intent to defraud, that is, the intent to deceive or cheat; and
12 d. The person used, or caused to be used, an interstate or foreign wire communication to
13 carry out or attempt to carry out an essential part of the scheme.

14 5. The elements of the offense of Theft from a Program Receiving Federal Funds, in
15 violation of 18 U.S.C. § 666(a)(1)(A), are:

- 16 a. A person was an agent of an organization, or government, or any agency thereof;
17 b. The person embezzled, stole, obtained by fraud, or otherwise without authority
18 knowingly converted to the use of any person other than the rightful owner or
19 intentionally misapplied, property that is valued at \$5,000 or more and is owned by,
20 or is under the care, custody, or control of such organization, government, or agency;
21 and
22 c. The organization, government, or agency received, in any one year period, benefits in
23 excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan,
24 guarantee, insurance, or other form of Federal assistance.

PROBABLE CAUSE

6. On or about June 22, 2018, the FBI received a referral from the CNMI Office of the
Public Auditor (OPA) advising of a 14-person delegation travelling from Rota to Guam on a

1 CNMI-funded five day trip under the guise of procuring used federal government equipment
2 from the Defense Logistics Agency or DLA (formerly known as DRMO – Defense Reutilization
3 and Marketing Office), located on the U.S. navy base in Guam. The CNMI government has
4 previously procured used government equipment from the DLA on previous occasions.
5 Coincidentally, a campaign rally for CNMI Governor Ralph Torres and running mate Arnold
6 Palacios was scheduled for Saturday, June 23, 2018 in Mangilao, Guam. The rally was highly
7 advertised on social media.

8 7. CNMI OPA provided numerous documents to the FBI, including CNMI travel
9 authorizations for several members of the Rota delegation and an official memorandum from the
10 CNMI Office of the Mayor, dated June 18, 2018, to “All Departments” advising of Mayor
11 ATALIG’s off-island absence starting June 20, 2018, to June 25, 2018. Other documents provided
12 by OPA included completed trip reports for the delegation members, Star Marianas booking
13 request forms, used Star Marianas boarding passes, copies of CNMI checks to Star Marianas, Star
14 Marianas passenger manifests, rental car receipts while in Guam, gas receipts for the rental car in
15 Guam, and copies of CNMI-issued travel reimbursement checks for several delegation members.
16 On a travel authorization for the chartered Star Marianas flight to Guam, the stated purpose was
17 “to go to the DRMO to look for surplus equipments [sic] for Rota departments. Travel to be
18 performed in the interest of the CNMI Gov’t.” The travel authorization was signed by Mayor
19 ATALIG.

20 8. The CNMI travel documents show that the delegation chartered a private Star Marianas
21 plane to transport the delegation to Guam for a total cost of \$6,553.48. A copy of the CNMI
22 reimbursement check, check number 027236, payable to Star Marianas Air, was provided to
23 affiant.
24

1 9. On July 23, 2018, a Guam DLA employee was interviewed in Guam by the FBI. The
2 employee advised that in June 2018, an unidentified male from Rota, CNMI showed up at the
3 DLA office in Guam unannounced and attempted to visit the facility, which is not the established
4 process to visit the facility for official business. The employee denied access to the unidentified
5 male since the visit was not coordinated through the CNMI government's liaison to the DLA.
6 The employee also provided a copy of the letter stating that all visits must be coordinated
7 through the CNMI liaison. Upon entry into the facility, all visitors are required to sign-in on
8 their visitor's log. After denying him access, the individual became angry. The individual then
9 stated that he would speak to someone above the CNMI liaison and also advised the employee
10 that he was on Guam for his military reserve drill and only wanted to stop at the DLA to see
11 what equipment was available. The last visit to the DLA facility by CNMI officials occurred in
12 March 2018, which followed the correct protocol and was coordinated through the CNMI
13 liaison. As further confirmation, sign-in logs did not show anyone from Rota visiting the facility
14 in June 2018, and also confirmed that the last CNMI visit occurred in March 2018.

15 10. On July 23, 2018, the CNMI liaison for DLA was interviewed in Guam by the FBI. The
16 liaison confirmed that she is employed by the CNMI Governor's office and that she is the CNMI
17 liaison to the DLA office in Guam. She confirmed that all CNMI visits to DLA must be
18 coordinated through her. According to the established agreement between the DLA office and
19 the CNMI government, no CNMI government employee or representative should contact or
20 attempt to visit the DLA facility in Guam without prior coordination with the CNMI liaison. She
21 further advised that she did not coordinate any CNMI visits to the DLA for the month of June
22 2018, and that she was unaware of any CNMI government employees visiting the DLA office in
23 June 2018. All uncoordinated visits or late requests are denied. In June 2018, the CNMI liaison
24

1 denied a late request from an employee of Mayor ATALIG's office.

2 11. On August 9, 2018, DEAN REYNOLD ATALIG MANGLONA, cell phone number 670-
3 285-5864, was interviewed in Rota by affiant. MANGLONA advised that while he and the rest
4 of the Rota delegation were in Guam during the June 20 – 25, 2018 time period, the delegation
5 members all stayed in contact with one another using "WhatsApp" on their CNMI government-
6 issued mobile devices.

7 12. On August 9, 2018, EUSEBIO MENDIOLA MANGLONA, was interviewed in Rota by
8 affiant. MANGLONA also advised that while he and the rest of the Rota delegation were in
9 Guam during the June 20 – 25, 2018 time period, the delegation members all stayed in contact
10 with each other using "WhatsApp" on their mobile devices. MANGLONA advised that the
11 mobile device, number 670-783-4377, is a CNMI government-issued device containing the
12 WhatsApp conversations.

13 13. Affiant also conducted interviews of the following Rota delegation members that also
14 travelled to Guam during the June 20 – 25, 2018 time period. During their interviews, the
15 interviewees provided their CNMI government mobile device numbers as listed below:

16 Efraim Manglona Atalig, number 670-287-3376

17 Josepha Barcinas Manglona, number 670-783-4426

18 Evelyn Manglona Atalig, number 670-285-0363

19 Dennis James Camacho Mendiola, number 670-783-7342

20 14. WhatsApp messages, images, audio, and video are sent and received through a cell phone
21 internet connection and not through cellular data such as SMS text messages. WhatsApp uses
22 end-to-end encryption and does not store messages once delivered, meaning WhatsApp
23 communications can only be obtained from the mobile device itself.
24

1 15. Publicly accessible social media postings for the June 20 – 25, 2018 time frame were
2 viewed by your affiant, which showed several members of the Rota delegation participating in
3 the CNMI Republican rally held on Guam. The following Facebook accounts publicly posted
4 pictures from the rally: “CNMI Republican Party” and “2018 Republican Rota Party.” Among
5 the numerous photos, Rota officials can be seen during the rally, to include pictures of Mayor
6 ATALIG, Governor Ralph Torres, Arnold Palacios and other Rota government officials at some
7 of the same events. The pictures on the Facebook accounts also show the dates and times that
8 the pictures were posted, which coincide with the June 20 – 25, 2018 time frame.

9 16. On July 27, 2018, your affiant obtained CNMI-Rota Department of Finance documents
10 confirming that Mayor ATALIG authorized disbursements in excess of five thousand dollars
11 (\$5,000) for the delegation’s trip to Guam. Payments came from the “Rota Imprest Fund,” a
12 CNMI-government account which is funded by the CNMI General Fund.

13 17. I have reviewed the CNMI General Fund account ledger; it shows that during a one-year
14 period ending on or about June 25, 2018, the CNMI General Fund received benefits under a
15 federal program in excess of ten thousand dollars (\$10,000).

16 18. As part of the investigation, affiant obtained records showing that on June 6, 2018,
17 Mayor ATALIG transmitted or caused to be transmitted by means of a wire communication in
18 interstate commerce, writings, signs, and signals for the purpose of executing a scheme to
19 defraud, namely emails from address *mayorsofficerota@gmail.com* to
20 *smareservation2015@gmail.com* to reserve charter flights for the June 20 – 25, 2018 trip to
21 Guam.

22 19. Based on the above, there is probable cause to believe that the items described in
23 **ATTACHMENT A** contain evidence of violations of Title 18, United States Code, Section
24

1 1343, and Title 18, United States Code, Section 666(a)(1)(A). The evidence sought is
 2 particularly described in ATTACHMENT B.

3 **ELECTRONIC STORAGE AND FORENSIC EVIDENCE**

4 20. Based on my knowledge, training, and experience, I know that personal devices can store
 5 information for long periods of time. This information can sometimes be recovered with forensics
 6 tools.

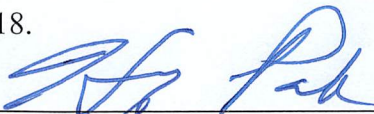
7 21. Forensic Imaging: Agents will obtain forensic images of the storage drive on the subject
 8 device. A forensic image is an exact physical copy of the hard drive or other media. A forensic
 9 image captures all of the data on the hard drive or other media without the data being viewed and
 10 without changing the data in anyway. Absence unusual circumstances, it is essential that a forensic
 11 image be obtained prior to conducting any search of the data for information subject to seizure
 12 pursuant to these warrants.

13 22. Subject to requests for an extension in the event there is unforeseen difficulty in obtaining
 14 a verified image or accessing and analyzing the data contained therein, agents will return the
 15 personal devices within ⁹⁰ ~~120~~ ^{EO} days, unless it is determined that the devices themselves are
 16 instrumentalities of the offense. The government will seek additional orders as necessary before
 17 conducting additional search of the verified images after ⁹⁰ ~~120~~ ^{EO} days.


18 23. Searching the personal devices for the evidence described hereinabove may require a range
 19 of data analysis techniques. If it is possible for investigators to conduct carefully targeted searches
 20 that can locate evidence without requiring a time-consuming manual search through unrelated
 21 materials that may be commingled with criminal evidence. For example, investigators may be
 22 able to execute a "keyword" search that searches through the files stored on the personal devices
 23 for special words that are likely to appear only in the materials covered by a warrant. Similarly,
 24

1 investigators may be able to locate the materials covered in the warrant by looking for particular
2 directory or file names. In other cases, however, such techniques may not yield the evidence
3 described in the warrant. Criminals can mislabel or hide files and directories, encode
4 communications to avoid using key words, attempt to delete files to evade detection, or take other
5 steps designed to frustrate law enforcement searches for information. These steps may require
6 investigators to conduct more extensive searches, such as scanning areas of the personal devices'
7 memory not allocated to listed files, or opening every file and scanning its contents briefly to
8 determine whether it falls within the scope of the warrant. In light of these difficulties, your affiant
9 requests permission to use whatever data analysis techniques appear necessary to locate and
10 retrieve the evidence described above.

11 DATED this 28th day of November, 2018.

12 
13 _____
14 Haejun Park
Special Agent
Federal Bureau of Investigation

15 SUBSCRIBED AND SWORN TO before me on this 28th day of November, 2018.

16 
17 _____
18 U.S. District Court Judge
District of the Northern Mariana Islands

ATTACHMENT A

Items to be Searched:

1. Mobile device with number 670-287-3376
2. Mobile device with number 670-783-4426
3. Mobile device with number 670-285-0363
4. Mobile device with number 670-783-7342

ATTACHMENT B

Property, items, records, documents, files, or materials, which constitute evidence, instrumentalities, or fruits of violations of Wire Fraud, in violation of 18 U.S.C. § 1343, or Theft from a Program Receiving Federal Funds, in violation of 18 U.S.C. § 666(a)(1)(A), ^{SPECIFICALLY} including the following:

EO

Any and all electronically stored communications contained in the WhatsApp applications that occurred during, make reference to, or regarding the purpose of the trip from Rota, CNMI, to Guam, on or about June 20 – 25, 2018, which was approved by Rota Mayor Efraim Atalig.